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BEFORE THE
ILLINOIS COMMERCE COMMISSION

WILLIAM R. DAVIS, JR.) DOCKET NO.
) 08-0513
-vs-)
)
CENTRAL ILLINOIS LIGHT COMPANY)
d/b/a AmerenCILCO)
)
Complaint as to billing/charges in)
East Peoria, Illinois.)

Springfield, Illinois
Thursday, October 30, 2008

Met, pursuant to notice, at 10:00 a.m.

BEFORE:

MS. LISA TAPIA, Administrative Law Judge

APPEARANCES:

MR. WILLIAM R. DAVIS, JR.
120 Brow Drive
East Peoria, Illinois 61611
Ph. (309) 643-4113
E-mail: crashed350X@yahoo.com

(Appearing pro se)

SULLIVAN REPORTING COMPANY, by
Carla J. Boehl, Reporter
Ln. #084-002710

1 APPEARANCES: (Continued)

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3 Corporate Counsel
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10 (Appearing on behalf of
11 Respondent via teleconference)

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WITNESS

DIRECT

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None .

EXHIBITS

MARKED

ADMITTED

None .

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1 phone number and an e-mail address, if you have one,
2 for the record, please.

3 MR. DAVIS: Okay. William R. Davis, Jr., 120
4 Brow Drive, phone number is (309) 643-4113 and the
5 e-mail address is crashed350X@yahoo.com.

6 JUDGE TAPIA: Mr. Davis, could you state the
7 city you live in?

8 MR. DAVIS: East Peoria, Illinois.

9 JUDGE TAPIA: Thank you. Let the record
10 reflect that there are no others wishing to enter an
11 appearance.

12 Right now -- well, let me ask
13 Mr. Tomc, Mr. Tomc, do you have any questions
14 regarding the complaint, any clarifying issues, or is
15 it clear?

16 MR. TOMC: No, Your Honor. I believe it is
17 clear in the complaint from what I read. Mr. Davis
18 takes issue with the estimation of the gas bill and
19 the resulting charges from the correction of that
20 estimation. So with that I would not have any
21 objection to the complaint being something that I can
22 respond to and answer.

1 JUDGE TAPIA: Thank you. Mr. Davis, I have a
2 question. Are you also alleging that your meter is
3 malfunctioning or not?

4 MR. DAVIS: No. I have no question that the
5 reading is accurate. You know, that's not what I am
6 conflicting with. The conflict is that they
7 estimated it for seven months without even contacting
8 me, without a note on the door or anything, you know.

9 JUDGE TAPIA: Okay. Then that's clear then.
10 We will go ahead and set a schedule. Mr. Tomc, can
11 you file your answer -- well, I was going to suggest
12 November 10, but I know you have other cases that are
13 due on that day. Can you file your answer by
14 November 14?

15 MR. TOMC: Yes, Your Honor.

16 JUDGE TAPIA: Okay. And Mr. Davis -- actually
17 before I continue with the schedule, Mr. Davis, are
18 you going to represent yourself?

19 MR. DAVIS: Yes.

20 JUDGE TAPIA: And you are aware that you are
21 held to the same standard as opposing counsel,
22 correct? You understand that?

1 MR. DAVIS: What do you mean by that?

2 JUDGE TAPIA: In other words, if you are going
3 to represent yourself, you are going to be expected
4 to run your case just as I would expect counsel to do
5 so.

6 MR. DAVIS: Okay. As far as having everything
7 presented.

8 JUDGE TAPIA: Yes.

9 MR. DAVIS: Papers and everything?

10 JUDGE TAPIA: Yes. And I always try to talk to
11 pro se complainants or complainants without
12 attorneys, make that clear, because it is advisable
13 to get an attorney but you are welcome to represent
14 yourself. But you are going to be held to the same
15 standard and deadlines as Mr. Tomc is.

16 MR. DAVIS: Okay.

17 JUDGE TAPIA: And I want you to be aware of
18 that.

19 MR. DAVIS: Yeah, that's fine. I mean, if I
20 was going to get an attorney, I might as well just
21 pay the bill, you know what I am saying?

22 JUDGE TAPIA: Yes.

1 MR. DAVIS: As far as that goes. I don't have
2 any problem with -- what I offered was that I would
3 pay half of the bill since it was half my mistake and
4 half their mistake.

5 JUDGE TAPIA: Well, Mr. Davis, you just talk
6 about that with Mr. Tomc. But I am just here to set
7 a schedule and then you guys can work things out if
8 that's what the case is.

9 MR. DAVIS: That's what I am wanting to do. I
10 would rather not even have to go to court and
11 everything.

12 JUDGE TAPIA: Let's go ahead and set a schedule
13 and, you know, if something changes, Mr. Tomc and
14 yourself can alert me to what an agreement -- if you
15 come to an agreement. But let's go ahead and set a
16 schedule so that this case doesn't get behind.

17 MR. DAVIS: Okay.

18 JUDGE TAPIA: Mr. Davis, your direct testimony
19 will be due December 5. Does that work for you?

20 MR. DAVIS: Yes.

21 JUDGE TAPIA: Okay. That's Friday, December 5.
22 You will have to file that with the Clerk's office.

1 If you need to know the procedures, just call the
2 Clerk's office and ask for some guidance on how to
3 file things on e-Docket. Okay?

4 MR. DAVIS: Okay.

5 JUDGE TAPIA: The direct testimony for
6 AmerenCILCO will be due -- Mr. Tomc, do you have a
7 proposed date? Because I know that it falls -- if I
8 go three weeks out, it goes like the day after
9 Christmas, and I am not sure if that would be an
10 advisable day.

11 MR. TOMC: Yes, Your Honor, I will be out of
12 the office on the 26th. My preferred date, and
13 typically I don't mind filing testimony within a few
14 weeks after the complainant. But due to the holidays
15 I would ask that if we could have our testimony due
16 January 7.

17 JUDGE TAPIA: Okay. That's reasonable.
18 January 7, that's a Wednesday. And then rebuttal
19 testimony will be due February 3. Does that give you
20 enough time, Mr. Davis, to file your rebuttal? That
21 is giving you almost a month. I am trying to give
22 you some flexibility.

1 MR. DAVIS: Yes. What's the rebuttal?

2 JUDGE TAPIA: If there is anything you need to
3 rebut in the company's direct testimony. In other
4 words, Mr. Tomc will file his direct testimony. And
5 if there is something that you need to address in
6 regards to his direct --

7 MR. DAVIS: Oh, as far as if I don't agree.

8 JUDGE TAPIA: Yes, rebuttal testimony. Now, if
9 you need samples of how it is done, you can go on
10 e-Docket and look at other cases.

11 MR. DAVIS: Okay.

12 MR. TOMC: Your Honor, to the extent that the
13 complainant would just like to file a written
14 statement, I would not object to the form of that, if
15 it is not strictly in compliance with what testimony
16 traditionally look like. That said, I would defer to
17 your judgment on that as to whether or not that is
18 okay. But I just wanted to say that for the purposes
19 of this case I will not lodge an objection as to
20 form, if Mr. Davis wants to simply put a written
21 statement into the record for his testimony and his
22 rebuttal testimony.

1 JUDGE TAPIA: Thank you, Mr. Tomc. Mr. Davis,
2 did you understand counsel's -- what he is agreeing
3 to?

4 MR. DAVIS: Yes, that I can enter a written one
5 instead of --

6 JUDGE TAPIA: Right. It will be a little bit
7 more simpler for someone who is not legally trained.

8 MR. DAVIS: Yeah.

9 JUDGE TAPIA: Thank you, Mr. Tomc. So that
10 will be acceptable.

11 The evidentiary hearing, Mr. Tomc, do
12 you have a suggestion on a date?

13 MR. TOMC: Your Honor, how about March 2?
14 That's a Monday.

15 JUDGE TAPIA: Okay, March 2 at 10:00 a.m. Does
16 that work for you, Mr. Davis?

17 MR. DAVIS: Yes. March 2?

18 JUDGE TAPIA: Yes, Monday at 10:00 a.m.

19 Okay. Let me re-cap the schedule for
20 this case. The answer from the respondent will be
21 due on November 14, 2008. The direct testimony for
22 Mr. Davis will be due December 5, 2008. The

1 company's direct testimony will be due January 7 of
2 2009, and the rebuttal testimony from Mr. Davis will
3 be due February 3 of 2009. The evidentiary hearing
4 will be on March 2, 2009, at 10:00 a.m. Discovery
5 will begin right after the respondent's answer and
6 right prior to the rebuttal testimony. Or actually,
7 yes, right prior to the rebuttal testimony which is
8 February 2, 2009.

9 Anything else we need to discuss,
10 Mr. Tomc or Mr. Davis?

11 MR. TOMC: Your Honor, I do have one item. On
12 the discovery timetable there, I would ask that there
13 be a ten-day response period.

14 JUDGE TAPIA: Yes.

15 MR. TOMC: For the benefit of Mr. Davis, when I
16 use the term "discovery," what I am referring to is
17 where if we have any questions about each other's
18 case, we can give those to one another in a written
19 request for data or information. And then what I am
20 asking the judge for is that we have ten days to
21 respond to one another.

22 JUDGE TAPIA: Okay. Yes, Mr. Tomc. There will

1 be a ten-day response period. Mr. Davis, did you
2 understand what Mr. Tomc explained?

3 MR. DAVIS: Yes. Like if I try and get ahold
4 of him, he has ten days to respond to me.

5 JUDGE TAPIA: Well, if you are requesting
6 something from him, put it in writing to Mr. Tomc, if
7 there is a clarification question. He will either
8 call you or write you, but it has to be a ten-day
9 response period.

10 MR. DAVIS: Okay. Yes, that's fine.

11 JUDGE TAPIA: Thank you, Mr. Tomc. Anything
12 else?

13 MR. DAVIS: As far as my written testimony?

14 JUDGE TAPIA: Yes.

15 MR. DAVIS: Where do I send that to?

16 JUDGE TAPIA: You will have to notice, of
17 course, Mr. Tomc and myself. You will have to send
18 us copies and you will have to file it on e-Docket.
19 Now, the procedure, you can call the Clerk's office
20 on how to file that properly because there is a
21 procedure that must be followed or else they won't
22 accept it. So just make sure you call the Clerk's

1 office for what that procedure is.

2 MR. DAVIS: E-Docket?

3 JUDGE TAPIA: Right, e-Docket is where you do
4 the filing. Call the Clerk's office.

5 MR. DAVIS: Okay, the post office will know.

6 JUDGE TAPIA: No, the Clerk's office here at
7 the Commission. Mr. Davis, did you understand that?

8 MR. DAVIS: Yes.

9 JUDGE TAPIA: Okay, the Clerk's office and how
10 to file it properly. And the sooner, the better.
11 Because for someone again who is not legally trained,
12 it is a little confusing. So in order to file all
13 your documents properly, you can call them and they
14 will let you know. Now, we are going to stick to the
15 deadline, so I would suggest prior to that date
16 finding out what the procedure is.

17 MR. DAVIS: Oh, for sure.

18 JUDGE TAPIA: Okay. Anything else, Mr. Tomc?

19 MR. TOMC: I have nothing further, Your Honor.

20 JUDGE TAPIA: Anything else, Mr. Davis?

21 MR. DAVIS: No.

22 JUDGE TAPIA: Okay. Then I will continue this

1 case until March 2 of 2009. Thank you.

2 (Whereupon the hearing in this
3 matter was continued until March
4 2, 2009, at 10:00 a.m. in
5 Springfield, Illinois.)
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